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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,487	03/20/2001	Barry Paul Pershan	Verizon-2APP	1640

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VERIZON CORPORATE SERVICES GROUP INC.  
C/O CHRISTIAN R. ANDERSEN  
600 HIDDEN RIDGE DRIVE  
MAILCODE HQEO3H14  
IRVING, TX 75038

EXAMINER

BUI, BING Q

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/812,487

**Applicant(s)**

PERSHAN, BARRY PAUL

**Examiner**

Bing Q Bui

**Art Unit**

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-14, 21-23 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 24-25 have been canceled; thus claims 1-23 and 26 are pending in the application for examination.

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 1-14 and 26 is withdrawn in view of the newly discovered reference(s) to Harlow et al (US Pat No. 5,206,901). Rejections based on the newly cited reference(s) follow.
3. Claims 15-20 are allowed.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-8, 21-23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Harlow et al (US Pat No. 5,206,901), herein after referred as Harlow.

Regarding claim 1, referring to Figures 1-3, Harlow teaches a call processing method, comprising the steps of:

Art Unit: 2642

operating a telephone switch (e.g., SSP 110) to detect receipt of an incoming telephone call (e.g., call from telephone 111) on a subscriber telephone line (see figs 1-3 and col. 4, 35-60);

in response to detecting an incoming telephone call on the subscriber telephone line, operating the telephone switch (e.g., SSP 110) to transmit a message to a service control point (e.g., SCP 170) indicating receipt of a call on the subscriber telephone line (see figs 1-3 and col. 4, 35-60);

operating the service control point (e.g., SCP 170) to transmit a message to a first computer (e.g., processor 113 that controls SSP 110) in response to the message transmitted by said telephone switch (see figs 1-3 and col. 4, 35-60); and

operating the first computer (e.g., processor 113 that controls SSP 110) to select a first party (e.g., selecting whoever answers first between a primary and secondary destination numbers) to service the incoming call (see figs 1-3 and col. 4, 35-60).

Regarding claim 2, referring to Figures 1-3, Harlow teaches the method of claim 1, further comprising operating the first computer (e.g., processor 113 that controls SSP 110) to determine the availability of the first party to service the incoming call by contacting a second computer (e.g., processor 123 that controls SSP 120), the second computer (e.g., processor 123 that controls SSP 120) being associated with the first party (see col. 4, ln 61-col. 5, ln 10).

Regarding claim 3, referring to Figures 1-3, Harlow teaches the second computer (e.g., processor 123 that controls SSP 120) is coupled to a first telephone device (e.g., telephone 121 or 122) by a communications link which supports computer and

Art Unit: 2642

telephone interaction, the step of operating the first computer to determine the availability of the first party including obtaining telephone device status information from the second computer (see col. 4, In 61-col. 5 , In 10).

Regarding claim 4, referring to Figures 1-3, Harlow teaches operating the first computer to send call related information to the second computer (see col. 4, In 61-col. 5 , In 10).

Regarding claim 5, referring to Figures 1-3, Harlow teaches method of claim 4, further comprising operating the first computer to send a first telephone number corresponding to the first telephone device to the service control point; and operating the service control point to instruct the telephone switch to complete the incoming call using the first telephone number as the destination telephone number (see col. 4, In 35-col. 5, In 10).

Regarding claim 6, referring to Figures 1-3, Harlow teaches method of claim 5, wherein the first telephone number is different from a telephone number used to route the incoming call to said subscriber telephone line (see col. 4, In 35-col. 5, In 10).

Regarding claim 7, referring to Figures 1-3, Harlow teaches method of claim 1, further comprising operating the first computer to determine from a second computer if a telephone line associated with the first party is busy (see col. 4, In 35-col. 5, In 10).

Regarding claim 8, referring to Figures 1-3, Harlow teaches method of claim 7, wherein determining from the second computer if the telephone line is busy includes using a telephone application programming interface to obtain telephone line status information (see col. 4, In 35-col. 5, In 10).

As to claims 21 and 26, they are rejected for the same reasons set forth to rejecting claim 1.

As to claims 22-23, they are rejected for the same reasons set forth to rejecting claim 5.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow (US Pat No. 5,206,901).

Harlow fails to teach the feature that contained in 9-14. However, the feature of displaying or providing a plurality of call disposition options to a caller by a busy called party that provides convenience for both caller and called parties is so well known in the art. For example, in a call waiting environment, a busy called party may accept a call waiting caller by putting a current call on hold or provide an option menu that enabling the call waiting caller to select how his call should be completed (e.g., to be forwarded to a voice message system, a secretary or another alternate number).

Art Unit: 2642

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858.

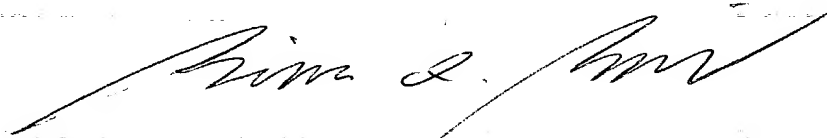
The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

EXPEDITED PROCEDURE ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

12 NOV 2004



**BING Q. BUI**  
**PRIMARY EXAMINER**